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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Initial reports of States parties due in 1998

Addendum

SAUDI ARABIA

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Initial report of the Kingdom of Saudi Arabia on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1. The Kingdom of Saudi Arabia is submitting this report in accordance with article 19 of the Convention, to which it acceded on 4 Rabi' II 1418 A.H. and which entered into force on 22 October 1997. It should be noted that the authoritative text for an understanding of the content of this report is written in the Arabic language.

2. This report consists of an introduction and two parts. Part I contains general information and Part II contains information relating to each article of the Convention.

Introduction

3. The Universal Declaration of Human Rights and the subsequent human rights-related covenants, conventions, instruments and protocols constitute one of the fruits of human civilization and progress in all fields. However, it should be borne in mind that the Islamic sharia guaranteed human dignity and rights 14 centuries ago in accordance with the words of Almighty God: "We have honoured the children of Adam."

4. The Kingdom of Saudi Arabia protects human rights through its system of law and order in the light of its Constitution, consisting in the Holy Koran and the Sunna of the Prophet. The obligation to comply therewith is stipulated in article 7 of the Basic Law of Government, promulgated in Royal Decree No. A/90 of 27 Sha'ban 1412 A.H., which reads as follows:

> "Governmental authority in the Kingdom of Saudi Arabia is derived from the Book of Almighty God and the Sunna of His Prophet, by which this and all other laws of the State are governed."

5. Article 8 further stipulates that "the system of government in the Kingdom of Saudi Arabia is based on justice, consultation and equality in accordance with the Islamic sharia".

I. GENERAL INFORMATION RELATING TO THE CONVENTION

A. General legal framework

6. The Kingdom's regulations, which are derived from the Islamic sharia, prohibit all forms of torture, as can be seen from the following:

(a) The Constitution of the Kingdom of Saudi Arabia is the Book of God and the Sunna of His Prophet, as stipulated in article 7 of the Basic Law of Government, which reads as follows:

> "Governmental authority in the Kingdom of Saudi Arabia is derived from the Book of Almighty God and the Sunna of His Prophet, by which this and all other laws of the State are governed."

The provisions of this Constitution therefore form the basic law governing, inter alia, criminal prosecution proceedings.

(b) The Basic Law of Government, promulgated in Royal Decree No. A/90 of 27 Sha'ban 1412 A.H., sets forth the general principles on which civil, political, economic, social and cultural rights are based. Article 26 of the Basic Law of Government stipulates: "The State shall protect human rights in accordance with the Islamic sharia." Article 48 further stipulates: "When hearing cases brought before them, the courts shall apply the provisions of the Islamic sharia in the manner indicated by the Book, the Sunna and the regulations, consistent with the Book and the Sunna, which are promulgated by the Ruler."

(c) The courts of law are regulated by the Statutes of the Judiciary, promulgated in Royal Decree No. M/64 of 14 Rajab 1395 A.H., which specify the jurisdiction of the courts. Article 26 of the statutes stipulates: "The courts shall be competent to adjudicate in all disputes and offences except those excluded, by law, from their jurisdiction." The procedures for a fair trial are governed by the Administrative Rules of Procedure of Judicial Bodies.

(d) The statutes of the Board of Grievances, promulgated in Royal Decree No. M/51 of 17 Rajab 1402 A.H., empower the board to hear and punish offences involving bribery, forgery, exploitation of official influence or abuse of authority in criminal prosecution proceedings, or violations of human rights. The board is also competent to hear claims for compensation filed by the persons concerned.

(e) The Prison and Detention Regulations, promulgated in Royal Decree No. M/31 of 21 Jumada II 1398 A.H., regulate prisons, guarantee the rights of their inmates and prohibit, in particular, all forms of aggression against prisoners or detainees, the perpetrators of which are liable to a deterrent penalty. Under the provisions of article 28 of the regulations, all forms of aggression against prisoners or detainees are prohibited and disciplinary measures shall be taken against civilian or military officials who commit any act of aggression against prisoners or detainees, without prejudice to any criminal penalties to which they might be liable in cases in which such aggression constitutes a criminal offence.

(f) The statutes of the Directorate of Public Security, promulgated in Royal Edict No. 3594 of 29 Rabi' I 1369 A.H., regulate the procedures governing arrest, questioning and remand in custody. Article 100 thereof stipulates: "The investigating officer shall be vigilant and shall endeavour, by various judicious means, to ascertain the underlying reason for the suspect's persistence or silence without resorting to coercion or torture." Under article 231 of the statutes: "Anyone who is found to be responsible for the unjustified detention of, or infliction of harm on, any person shall be punished by a term of detention equivalent to that for which he was responsible and shall also be liable for any harm that he inflicted."

B. International treaties and conventions in the Kingdom

7. In the Kingdom, international regulations, treaties, conventions and privileges are promulgated in accordance with article 70 of the Basic Law of Government, which stipulates as follows: "International regulations, treaties, conventions and privileges shall be promulgated and amended by Royal Decree."

C. Possibility of invoking the provisions of the Convention before the courts and other judicial bodies or administrative authorities

8. This Convention, having been ratified by royal decree, forms part of the domestic legislation, as a result of which its provisions can be invoked before the courts and the other judicial and administrative authorities in the Kingdom, as stipulated in article 70 of the Basic Law of Government ("International regulations, treaties, conventions and privileges shall be promulgated and amended by Royal Decree").

D. Judicial and administrative authorities exercising jurisdiction in matters dealt with by the Convention

9. The sharia courts, in accordance with article 5 of the Statutes of the Judiciary, shall consist of:

(a) The Supreme Council of the Judiciary, article 6 of whose statutes stipulates that the Supreme Council of the Judiciary shall consist of 11 members as follows:

(i) Five full-time members, holding a rank equivalent to that of President of the Court of Cassation, who constitute the Standing Committee of the Council, which is presided over by the member with the longest period of service in the judiciary;

(ii) Five part-time members, consisting of the President of the Court of Cassation or his deputy, the Deputy Minister of Justice and three of the most senior presidents of the general courts at Makkah, Al-Madinah, Riyadh, Jiddah, Dammam and Jizan. These, together with the members referred to in the preceding paragraph, constitute a plenary session, which is chaired by the President of the Supreme Council of the Judiciary. In accordance with article 7 of the statutes, the Supreme Council of the Judiciary supervises the courts within the limits laid down in the statutes. Under the terms of article 8, in addition to the functions specified in the statutes, the Supreme Council of the Judiciary is also empowered to consider matters on which the Minister of Justice feels that there is a need to establish general legal principles, to consider matters which the Ruler refers to it for consideration, to express an opinion, at the request of the Minister of Justice, on matters concerning the judiciary, and to review judgements handed down in cases involving murder or the fixed penalties for theft or illicit sexual relations.

(b) The Court of Cassation, in accordance with article 10 of the Statutes of the Judiciary, consists of a President and an adequate number of judges from whom Vice-Presidents are appointed, as needed, on the basis of absolute seniority. It has a division to hear criminal offences, a division to hear matters of personal status and a division to hear other matters. These divisions, the number of which can be increased if necessary, are headed by the President or one of his Vice-Presidents. In accordance with article 13 of the statutes, decisions of the Court of Cassation are handed down by three judges except in cases involving murder or the fixed penalties for theft or illicit sexual relations, in which they are handed down by five judges;

(c) The General Courts' judgements, in accordance with article 23 of its statutes, are handed down by a single judge except in cases involving murder, the fixed penalties for theft or illicit sexual relations and other cases specified in the statutes, in which they are handed down by three judges;

(d) The Courts of Summary Jurisdiction judgements are handed down by a single judge. Article 26 of the Statutes of the Judiciary defines the jurisdiction of the sharia courts as follows: "The courts shall be competent to adjudicate in all disputes and offences except those excluded, by law, from their jurisdiction."

10. The Board of Grievances, in accordance with article 8 of its statutes, promulgated in Royal Decree No. M/51 of 17 Rajab 1402 A.H., is competent to adjudicate in the following matters:

- paragraph 1 (b) provides for appeals lodged by the persons concerned against administrative decisions on grounds such as lack of jurisdiction; a defect of form; violation, misapplication or misinterpretation of the rules and regulations; or abuse of authority. An "administrative decision" is deemed to include failure or refusal by the administrative authority to take a decision which it has an obligation to take under the rules and regulations;

- paragraph 1 (c) provides for compensation claims filed by the persons concerned against the Government or independent public corporate bodies in respect of their activities;

- paragraph 1 (e) provides for disciplinary actions brought by the Control and Investigation Board.

- paragraph 1 (f) provides for criminal actions brought against persons accused of various offences, including the offences specified in Royal Decree No. 43 of 29 Dhul-Qa'dah 1377 A.H. concerning abuse of authority, and also criminal actions brought against persons accused of committing offences and infractions specified in the regulations if the board is required to hear them by order of the Prime Minister;

- paragraph 1 (g) provides for petitions for the execution of foreign judgements;

- paragraph 1 (h) provides for cases in which the board has jurisdiction under the terms of special statutory provisions.

11. Moreover, under the terms of article 8, paragraph 2 (f), "without prejudice to the legally specified jurisdictional rules, the Council of Ministers may, at its discretion, refer any matters or cases to the Board of Grievances for consideration".

12. Under the terms of article 10 of the statutes of the Board of Grievances, the Control and Investigation Board is responsible for the conduct of prosecutions before the competent divisions of the Board of Grievances in connection with offences and infractions which have been investigated by the Control and Investigation Board.

13. Under the terms of article 3 of its statutes, the functions of the Public Investigation and Prosecution Department, which is equivalent to the Department of Public Prosecutions in some States, are as follows:

(a) To investigate offences;

(b) To decide whether to institute proceedings or close the case in accordance with the regulations;

(c) To conduct prosecutions before judicial bodies in accordance with the implementing regulations;

(d) To lodge appeals against judgements;

(e) To supervise the enforcement of penal judgements;

(f) To control and inspect prisons, detention centres and any places in which penal judgements are enforced; hear the complaints of prisoners and detainees; to verify the legality of their imprisonment or detention; to ensure that they are not retained in prison or detention beyond the stipulated period; to take the necessary measures to secure the release of anyone who is imprisoned or detained unlawfully; and to take the legally required action against the persons responsible for such unlawful imprisonment or detention (the Minister of the Interior must be notified of any observations made in this regard and a report on the situation of prisoners and detainees must be submitted to him every six months);

(g) To undertake any other functions assigned to it under the terms of regulations or ordinances promulgated in accordance with these statutes or of decisions of the Council of Ministers or royal decrees.

E. Remedies available to persons claiming to be victims of torture

14. Articles 43, 47, 48, 49 and 53 of the Basic Law of Government specify these remedies, the most important of which are:

(a) The "majlis" (audience chamber) of the King and of the Crown Prince, about which article 43 of the Basic Law of Government stipulates: "The *majlis* of the King and the *majlis* of the Crown Prince shall be open to every citizen and anyone who may have a complaint or grievance. Every individual shall have the right to address the public authorities regarding any matter of concern to him";

(b) The judiciary, which, in accordance with article 47 of the Basic Law of Government, stipulates: "Citizens and residents of the Kingdom have an equal right to seek judicial remedy, the requisite procedures for which shall be prescribed by law." Article 48 further stipulates: "When hearing cases brought before them, the courts shall apply the provisions of the Islamic sharia in the manner indicated by the Book and the Sunna." Under the terms of article 49: "Without prejudice to the provisions of article 53 hereof, the courts shall be competent to adjudicate in all disputes and offences";

(c) The Board of Grievances, which, in accordance with article 8 of its statutes, is competent to hear offences involving bribery, forgery, exploitation of official influence, abuse of authority, violations of human rights and claims for compensation filed by the persons concerned;

(d) Provincial governors have an obligation to enforce court judgements that have become final (article 7 (b) of the Ordinance regulating the functions of provincial governors). They also have an obligation to safeguard the rights and freedoms of individuals and to refrain from taking any action that would infringe those rights and freedoms except within the limits authorized by the law and the regulations (article 7 (c) of the Ordinance).

II. INFORMATION RELATING TO EACH ARTICLE OF THE CONVENTION

15. With regard to article 1 of the Convention, concerning the definition of torture, the prohibited acts constituting torture, as described therein, are all designated as criminal offences in the Islamic sharia and in the regulations promulgated in accordance therewith.

16. With regard to article 2 of the Convention, under which each State party has an obligation to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction, acts of torture were already prohibited in the Kingdom's judicial and administrative legislation, as can be seen from the following:

(a) The Koran and the Sunna, from which governmental authority in the Kingdom of Saudi Arabia is derived and by which all the laws of the State are governed (article 7 of the Basic Law of Government), since they are the sole sources of legislation. They clearly advocate the protection of human dignity and rights and prohibit any infringement or violation thereof;

(b) The Basic Law of Government, whose article 26 stipulates: "The State shall protect human rights in accordance with the Islamic sharia."

(c) The statutes of the Directorate of Public Security, whose article 100 stipulates: "Anyone who refuses to reply shall be counselled ... and the investigating officer shall be vigilant and shall endeavour, by various judicious means, to ascertain the underlying reason for

the suspect's persistence or silence without resorting to coercion or torture." Article 231 further stipulates: "Anyone who is found to be responsible for the unjustified detention of, or infliction of harm on, any person shall be punished by a term of detention equivalent to that for which he was responsible and shall also be liable for any harm that he inflicted";

(d) The Prison and Detention Regulations, under the terms of whose article 28, "All forms of aggression against prisoners or detainees are prohibited and disciplinary measures shall be taken against civilian or military officials who commit any act of aggression against prisoners or detainees, without prejudice to any criminal penalties to which they might be liable in cases in which such aggression constitutes a criminal offence";

(e) The statutes of the Board of Grievances, in accordance with whose article 8 (f) the Board of Grievances is empowered to hear the offences specified in Royal Decree No. 43 of 29 Dhul-Qa'dah 1377 A.H., article 2 of which designates exploitation of official influence or abuse of authority in criminal prosecution proceedings and violations of human rights as punishable offences. Article 8 (h) further stipulates that the board is competent to hear compensation claims filed by the persons concerned against the Government or independent public corporate bodies in respect of their activities;

(f) Royal Decree No. 43 of 29 Dhul-Qa'dah 1377 A.H. prohibits torture and Royal Edict No. 277/8 of 22 Safar 1405 A.H. stipulates that confessions should result from thorough and careful investigation without torture, since torture could induce a suspect to confess even if he had not committed the offence of which he was accused;

(g) Circular No. 50/14102 of 23 Safar 1420 A.H., which was promulgated by the Minister of the Interior in order to give effect to the provisions of the Convention, called for the establishment of a standing commission to investigate accusations concerning the subjection of any person to torture or other cruel, inhuman or degrading treatment or punishment during procedures for the arrest, detention or investigation of suspects.

17. The above-mentioned legislation and regulations do not make provision for any exceptional circumstances whatsoever, nor do they permit an order from a superior officer or a public authority to be invoked as a justification of torture.

18. With regard to article 3 of the Convention, the Kingdom's regulations do not permit the expulsion, refoulement or extradition of such persons to another State, as can be seen from the following:

(a) Article 36 of the Basic Law of Government stipulates that: "The State shall ensure the security of its citizens and all persons residing in its territory and no one shall be arrested, detained or restricted in his freedom of action except as provided by law." Article 38 further stipulates that: "Punishment is personal. There is no crime or punishment except as defined by law or regulations and penalties shall be imposed only in respect of acts committed subsequent to the entry into force of the instrument under which they are designated as offences." Under the terms of article 42: "The State shall grant the right of political asylum if the public interest so requires, the rules and procedures for the extradition of ordinary criminals being determined by international regulations and agreements."

(b) Expulsion is subject to the provisions of articles 18 and 33 of the Residence Regulations, which permit the expulsion of personae non gratae who are in breach of the regulations. Article 53 thereof further stipulates that: "Any breach of the provisions of article 5 of the Residence Regulations shall be punished by a fine of 100-200 riyals and/or imprisonment for a period of one week to one month and the offender may be deprived of his right of residence and expelled from the country."

19. Under the terms of article 5 of the Residence Regulations: "A foreign visitor who does not wish to reside permanently shall not be required to register within three days and shall be granted an exit visa at the airport, seaport or land border post through which he intends to leave."

20. Expulsion measures are applied in accordance with article 54, which stipulates that: "Any foreigner who violates the provisions of article 12 shall be deprived of the right of residence and expelled from the country." Under the terms of article 12 of the Residence Regulations: "A foreigner holding an entry or transit permit shall not have the right to engage in any form of paid or unpaid employment until he obtains a residence permit."

21. With regard to article 4 of the Convention, under the terms of paragraph 1 of which each State party undertakes to ensure that all acts of torture are offences under its criminal law, all such acts are, in fact, designated as criminal offences in the Islamic sharia and the Kingdom's regulations, as can be seen from:

(a) Article 38 of the Basic Law of Government;

(b) Article 231 of the statutes of the Directorate of Public Security; and

(c) Article 28 of the Prison and Detention Regulations.

22. Concerning paragraph 2, under which each State party undertakes to make these offences punishable, these offences are indeed punishable under the Kingdom's criminal law in the light of the provisions of the Islamic sharia and the Kingdom's regulations promulgated in accordance therewith, to which reference has already been made.

23. With regard to article 5 of the Convention, under the terms of paragraph 1 of which each State party undertakes to take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4, judicial jurisdiction over the offences referred to in article 4 is vested in the following bodies: the sharia courts and the Board of Grievances.

24. In accordance with article 49 of the Basic Law of Government: "Without prejudice to the provisions of article 53 hereof, the courts shall be competent to adjudicate in all disputes and offences." Article 26 of the Statutes of the Judiciary further stipulates that: "The courts shall be competent to adjudicate in all disputes and offences except those excluded, by law, from their jurisdiction."

25. In accordance with article 8 (f) of its statutes, the Board of Grievances is empowered to hear and punish the offences specified in Royal Decree No. 43 of 29 Dhul-Qa'dah 1377 A.H., article 2 of which refers to exploitation of official influence or abuse of authority in criminal prosecution proceedings and violations of human rights (which include torture).

26. With regard to article 6 of the Convention ("Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present"), the Kingdom's regulations make provision for the rights recognized in this article as follows:

(a) Anyone against whom there is sufficient evidence for conviction may be remanded in custody at a male or female pre-trial detention centre (article 102 of the statutes of the Directorate of Public Security);

(b) If there is reason to suspect that a person has committed an offence, he shall be taken into custody and referred immediately to the competent investigating authority. A report specifying the identity of the person who made the arrest, the identity of the person arrested, the date and time of his arrest and the reasons therefor shall also be prepared (article 2 of the Regulations governing questioning, arrest, temporary detention and remand in custody);

(c) Immediately after his arrival, the person arrested shall be questioned, any statements that he wishes to make in his defence shall be heard and an official report thereon shall be drawn up within 24 hours from the time of his arrest (art. 3);

(d) The detainee shall be released if the accusation against him is refuted (art. 4);

(e) If the accusation against him is substantiated, the accused person shall be remanded in custody, pending completion of the investigation, for a period of not more than three days from the date of his arrest (art. 5);

(f) If a report or complaint is filed against a person, he shall not be arrested or detained unless there is sufficient evidence of his commission of an offence warranting his arrest after he has been questioned and his statements in his defence have been heard, all of this being entered in an official report (art. 6);

(g) The detention procedures, as a whole, ensure that any person accused of any offence is treated in an equitable manner and enjoys the right to lodge a complaint with the competent authorities (arts. 7, 8, 9, 12, 13, 14, 20, 21, etc.).

27. With regard to procedures for the extradition of accused persons, article 42 of the Basic Law of Government stipulates: "The State shall grant the right of political asylum if the public interest so requires, the rules and procedures for the extradition of ordinary criminals being determined by international regulations and agreements."

28. The right to communicate immediately with the nearest appropriate representative of the State of which he is a national is regulated by the Prison Directives.

29. With regard to article 7 of the Convention ("The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found"), in accordance with article 49 of the Basic Law of Government, the sharia courts are competent to adjudicate in all disputes and offences, without prejudice to the provisions of article 53 concerning the jurisdiction of the Board of Grievances, which is competent to hear some offences involving abuse of authority, violations of human rights, etc. (article 8 of the statutes of the Board of Grievances).

30. Article 26 of the Statutes of the Judiciary further stipulates that the courts are competent to hear all disputes and offences except those excluded, by law, from their jurisdiction.

31. The Kingdom's regulations guarantee fair treatment during criminal proceedings, as can be seen from the following:

- the Basic Law of Government, which provides that the State shall ensure the security of its citizens and all persons residing in its territory and no one shall be arrested, detained or restricted in his freedom of action except as provided by law (art. 36). Punishment is personal. There is no crime or punishment except as defined by law or regulations and penalties shall be imposed only in respect of acts committed subsequent to the entry into force of the instrument under which they are designated as offences (art. 38). The judiciary shall be an independent authority and, in their administration of justice, judges shall be subject to no authority other than that of the Islamic sharia (art. 46). Citizens and residents of the Kingdom have an equal right to seek judicial remedy, the requisite procedures for which shall be prescribed by law (art. 47); and

- the statutes of the Public Investigation and Prosecution Department, under the terms of whose article 3 (f) the Department has an obligation to control and inspect prisons, detention centres and any places in which penal judgements are enforced; to hear the complaints of prisoners and detainees; to verify the legality of their imprisonment or detention; to ensure that they are not retained in prison or in detention beyond the stipulated period; to take the necessary measures to secure the release of anyone who is imprisoned or detained unlawfully; to take the legally required action against the persons responsible for such unlawful imprisonment or detention; to notify the Minister of the Interior of any observations made in this regard and to submit to him, every six months, a report on the situation of prisoners and detainees.

32. With regard to article 8 of the Convention ("The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties"), in accordance with the provisions of article 42 of the Basic Law of Government, to which reference has already been made, the offences specified in article 4 are indeed deemed to be extraditable offences by virtue of the Kingdom's accession to the Convention.

33. With regard to article 9 of the Convention ("States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4"), in accordance with article 70 of the Basic Law of Government this is achieved through bilateral or regional agreements. Royal Edict No. 1194 of 3 Muharram 1318 A.H. makes provision for legal assistance on a reciprocal basis.

34. With regard to article 10 of the Convention ("Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel"), all public officials and other citizens know, from the provisions of the Islamic sharia and what they learnt at all stages of their education, that torture is prohibited in the Kingdom. The regulations and laws governing criminal procedure which are taught to law enforcement personnel also stipulate that torture and other forms of cruel or degrading treatment are prohibited.

35. Article 39 of the Basic Law of Government stipulates: "The information and publication media and all means of expression shall observe the rules of courtesy, respect the regulations of the State and help to educate the nation and consolidate its unity. Anything which is conducive to subversion or schism, prejudicial to the security or public relations of the State or detrimental to human dignity and rights shall be prohibited by law."

36. With regard to article 11 of the Convention ("Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest"), the competent authorities systematically review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction in order to prevent the occurrence of any cases of torture, as stipulated in article 3 (f) of the statutes of the Public Investigation and Prosecution Department.

37. With regard to article 12 of the Convention ("Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation"), prompt and impartial investigation procedures are guaranteed by the Kingdom's regulations governing criminal procedure, including those to which reference has already been made, such as the statutes of the Directorate of Public Security, the statutes of the Public Investigation and Prosecution Department and their implementing regulations, and the regulations governing questioning, arrest, temporary detention and remand in custody, article 3 of which stipulates: "The competent authority shall conduct the investigation immediately after the arrival of the arrested person. In all cases, the arrested person shall be questioned, and any statements that he wishes to make in his defence shall be heard and entered in an official report, within 24 hours from the time of his arrest." Under the terms of article 6 thereof: "If a report or complaint is filed against a person, he shall not be arrested or detained unless there is sufficient evidence of his commission of an offence warranting his arrest after he has been questioned and his statements in his defence have been heard, all of this being entered in an official report." Article 7 further stipulates: "In all cases, the investigations must be completed within three days from the date of the detainee's arrest."

38. With regard to article 13 of the Convention ("Each State Party shall ensure that any individual who alleges that he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities"), this right is guaranteed by the provisions of the Islamic sharia, which is applied in the Kingdom, and by the regulations promulgated pursuant thereto, including the following:

39. The Basic Law of Government, under the terms of which: The *majlis* of the King and the *majlis* of the Crown Prince shall be open to every citizen and anyone who may have a complaint or grievance. Every individual shall have the right to address the public authorities regarding any matter of concern to him (art. 43). Reference has also already been made to the provisions contained in article 47 thereof.

40. The Ordinance regulating the functions of provisional governors, who have an obligation to safeguard the rights and freedoms of individuals (art. 7 (c)), including the right to have their complaints heard.

41. The Regulations governing questioning, arrest, temporary detention and remand in custody, article 6 of which stipulates that: "If a report or complaint is filed against a person, he shall not be arrested or detained unless there is sufficient evidence of his commission of an offence warranting his arrest."

42. The statutes of the Board of Grievances, article 8 (f) of which stipulates that the board is competent to hear actions and complaints brought against persons accused of committing offences involving bribery, forgery and abuse of authority.

43. With regard to article 14 of the Convention ("Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation"), this right is guaranteed by the provisions of the Islamic sharia and the Kingdom's regulations promulgated pursuant thereto, including the statutes of the Board of Grievances, article 8 (c) of which stipulates that the board is competent to hear compensation claims filed by the persons concerned against the Government or independent public corporate bodies in respect of their activities" and the statutes of the Directorate of Public Security, article 231 of which stipulates that: "Anyone who is found to be responsible for the unjustified detention of, or infliction of harm on, any person shall be punished by a term of detention equivalent to that for which he was responsible and shall also be liable for any harm that he inflicted."

44. With regard to article 15 of the Convention ("Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings"), under the provisions of the Islamic sharia such statements are inadmissible as evidence since anyone who confesses to an offence must do so of his own free will and no confession made under torture can be held against him.

45. This principle is reaffirmed in the regulations governing criminal procedure in the Kingdom, including article 100 of the statutes of the Directorate of Public Security (suspects must be questioned without resorting to cohesion or torture), article 28 of the Prison and

Detention Regulations (prohibition of any form of aggression against prisoners or detainees, the results of such aggression being inadmissible as evidence) and Royal Edict No. 4205 of 28 Rabi' I 406 A.H. (prohibition of torture during investigations, thereby reaffirming that the results of torture are inadmissible as evidence).

46. With regard to article 16 of the Convention ("Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1"), this is guaranteed by the provisions of the Islamic sharia and the Kingdom's regulations promulgated pursuant thereto in the light of article 26 of the Basic Law of Government, which stipulates: "The State shall protect human rights in accordance with the Islamic sharia."

47. God is the arbiter of our success.